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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,835	06/27/2000	Sadik Bayrakeri	19880-001210	6538

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EXAMINER
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SLOAN, NATHAN A

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/604,835

Applicant(s)

BAYRAKERI ET AL.

Examiner

Nathan A Sloan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 6. 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 10/16/2000 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Specifically, no copy of Levine (5,414,756) or Yuen et al. (5,673,089) has been provided. The information disclosure statement filed 11/07/2000 also fails to comply with 37 CFR 1.98(a)(2), as no copy of Bedard (5,802,747) has been provided. This appears to be a typographical error as a copy of 5,801,747 has been provided.

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: items 711 H of Figure 7. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Girard et al. (5,751,282).

Girard et al. teach a system and method for providing video on demand in response to viewer requests using an electronic programming guide.

With respect to claim 1, the claimed method for delivering short-time duration video segments to terminals via a communications network is taught by Girard in column 2, lines 28-40. The claimed “activation of a video object on a screen using a remote control” is met by activating a video clip by highlighting an item within the program guide using a remote control, taught in column 3, lines 59-61 and column 4, lines 7-8. The claimed “transmission from the terminal to a session manager of a request for a video segment corresponding to the object” is met by transmission of the request to continuous media server 68 of Figure 1, taught at item 140 of Figure 7. The continuous media server receives and processes the request, using pointers to identify the appropriate video segment within program storage 72, claimed “transport stream generator.” The video data is thus retrieved and transmitted from program storage to the

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terminal as seen at step 142 of Figure 7. Finally, the claimed “presentation of the video segment on the screen starting at the beginning of the segment” is met as seen at step 144 of Figure 7.

With respect to claim 2, the claimed video segments being “delivered as part of an interactive program guide” is met with reference to Figure 2, which shows preview clip region 58.

With respect to claim 3, the claimed “communications network comprising a cable distribution network” is met with reference to Figure 1.

With respect to claim 4, the claimed headend including the session manager is met as noted above in response to claim 1 by continuous media server 68.

With respect to claim 6, the claimed transmission including “inserting a demand-cast video stream incorporating the video segment into a multiplexed transport stream to be delivered to the terminal” is met as noted in response to claim 4 above, and with reference to Figure 1. As seen in Figure 1, head end 20 provides multiplexed communications to a plurality of receivers 24a-d via transceiver 66a (col. 4, lines 34-39). The head end is also taught to be capable of serving a plurality of simultaneous requests (col. 5, lines 23-25).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard (5,751,282) in view of Hendricks et al. (5,559,549), cited by applicant.

With respect to claim 5, the claimed “composing a video sequence incorporating the video segment in a window smaller than .. the screen” is met with by preview clip region 58 of Figure 2. The claimed encoding the video sequence is met by real-time encoder 62 which appropriately configures the sequence for playback (col. 2, lines 42-44). The claimed transmission comprising transmission of the video sequence incorporating the video segment is met as by transmitting the video configured video sequence using transceiver 66 of Figure 1. Girard does not teach “overlaying the screen”<sup>1</sup> as claimed. Hendricks et al. (5,559,549) teach in overlaying techniques associated with video display in a program guide in column 18, lines 11-27. IT would have been obvious for one skilled in the art at the time of the invention to modify the techniques of Girard by overlaying within a program guide as taught by Hendricks in order to maximize use of available viewing space.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girard (5,751,282).

With respect to claim 7, the claimed transmission of a “release message when the terminal is no longer presenting the video sequence” from the terminal to the session manager is not taught by Girard. Examiner takes Official Notice that it is well known in the art to transmit an upstream release message from a terminal to a head-end. It would have been obvious for one

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skilled in the art at the time of the invention to modify the methods of Girard by transmitting an upstream release message in order to free resources no longer in use at the head-end.

With respect to claim 8, the claimed “tracking by the session manager of video segments being acquired by at least one terminal” is not taught by Girard. Examiner takes Official Notice that it is notoriously well known in the art to track requests for video segments. It would have been obvious for one skilled in the art at the time of the invention to modify the methods of Girard by tracking requested video segments in order to provide preference information to advertisers.

7. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girard (5,751,282) in view of Aharoni et al. (6,014,694).

With respect to claims 9, 11, and 12, the claimed “plurality of video segments transmitted.. to a plurality of terminals” is met as noted in response to claims 1 and 6 above. The claimed “data structure for representing the plurality of video segments ... comprising a group of pictures (GOP) having a first picture and one or more remaining pictures” is not taught by Girard. Examiner notes that MPEG-2 coding standards using groups of pictures are notoriously well known in the art. To these means, Aharoni et al. (6,014,694) teach using the MPEG data structure (col. 6: 56-60) with a GOP having a first key (I) frame 60 and one or more remaining pictures 62, 64 ... as seen in Figure 4. Each video segment may include frames which occupy a portion of the GOP that includes the video segment as seen in Figure 4. It would have been obvious for one skilled in the art at the time of the invention to modify the methods of Girard by utilizing coding standards as taught by Aharoni in order to conform to industry standards and ensure system compliance.

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With respect to claim 10, the claimed “first set of one or more elements for representing data in the plurality of GOP’s ... encoded as a reference I picture, and wherein each of remaining elements ... encoded as either a difference picture or a P picture” is not taught by Girard. As seen in Figure 4, Aharoni teaches a key (I) frame followed by a plurality of either P or B frames. The claimed “second set of one or more elements ... “ wherein each element is “encoded as either a P picture or a B picture” is met by the remaining P and B frames 66-72 seen in Figure 4. The claimed streams being represented by one or more elements in the first set and one or more in the second set is met by sending a stream comprising selected frames including a plurality of GOP’s having I, P, and B frames seen at step 198 of Figure 13 of Aharoni. It would have been obvious for one skilled in the art at the time of the invention to modify the methods of Girard by utilizing coding standards as taught by Aharoni in order to conform to industry standards and ensure system compliance.

With respect to claim 13, the claimed GOP’s including “a first portion indicative of textual information, and a second portion indicative of video information” is not taught by Girard or Aharoni. Nevertheless, examiner notes that it is well known in the art to include a textual header before video information in a GOP. Examiner therefore takes Official Notice that it is notoriously well known in the art for textual information to precede video information in a GOP. It would have been obvious for one skilled in the art at the time of the invention to modify the methods of Girard and Aharoni to include textual information prior to video information in a GOP in order to provide information vital to properly decoding the video sequence.

With respect to claim 14, the claimed “first and remaining pictures in the plurality of GOPs sharing a common first portion” is not taught by Girard, but is met by a common “key



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frame” portion of the GOPs as seen in Figures 4 and 8 of Aharoni. It would have been obvious for one skilled in the art at the time of the invention to modify the methods of Girard by utilizing coding standards as taught by Aharoni in order to conform to industry standards and ensure system compliance.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

ISO/IEC 11172-2, “coding of moving pictures and associated audio” part 2: video.  
MPEG coding standards dated 8-1-1993.

Reynolds et al. (6,563,515) teach a system and method for requesting video clips to be superimposed in an electronic program guide, using MPEG coding standards and having textual as well as video data.

Walter (4,506,387) teaches a video on demand system and method.

Dunn et al. (6,154,772) teach a system and method for delivering digital video and data over a communication channel.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703)305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

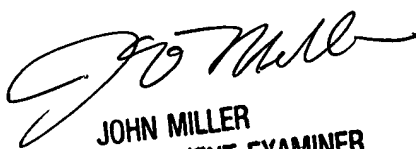
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5399 for regular communications and (703)308-5399 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

NAS

June 2, 2003

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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